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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/758,104	01/16/2004	Andre Veinotte	051481-5140

CONFIRMATION NO. 4989

09629
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

FORMALITIES LETTER



OC000000012452376

Date Mailed: 04/26/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

10758104
00000137 500310
08/27/2004 SSESHE1
01 FC:1051
1301 00 DA

RECEIVED

APR 28 2004

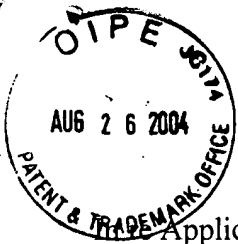
MORGAN, LEWIS & BOCKIUS LLP

A copy of this notice **MUST** be returned with the reply.

MTS en
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Andre VEINOTTE

Application No.: 10/758,104

Filed: 16 January 2004

For: ELASTOMERIC VAPOR FLOW
CONTROL ACTUATOR WITH IMPROVED
MECHANICAL ADVANTAGE

Confirmation No.: 4989

Group Art Unit: 3747

Examiner: Unassigned

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop Missing Parts**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed 26 April 2004.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document.

08/27/2004 SSESHE1 00000137 500310 10758104

02 FC:1252 420.00 DA

4. Small Entity Status

- ☐ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

Extension of time fee due with this request: \$ 420.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicants believe that no extension of time is required. However, in the event applicants have inadvertently overlooked the need for a petition and fee for extension of time, applicants hereby petition for such an extension and request that any fee therefor be charged to our Deposit Account No. 50-0310.

6. Assignment

- ☐ An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

7. Fee Calculation

				Fee Code	
Basic Fee				\$770.00	1001/2001
	Number Filed	Number Extra	at a Rate of (Lg./Sm.Entity)		
Total Claims	10 – 20 =	0	\$18/\$9 each=	\$ 0.00	1202/2202
Independent Claims	3 - 3 =	0	\$86/\$43 each=	\$ 0.00	1201/2201
Multiple dependent claim(s), if any			\$290/\$145	\$ 0.00	1203/2203
SUB-TOTAL =				\$ 0.00	
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))			\$130/\$65	\$130.00	1051/2051
Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))		\$110/\$55 (1 Month)			1251/2251
		\$420/\$210 (2 Months)			1252/2252
		\$950/\$475 (3 Months)			1253/2253
		\$1480/\$740 (4 Months)			1254/2254
		\$2010/\$1005 (5 Months)		\$420.00	1255/2255
SUB-TOTAL =				\$550.00	
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(i) and § 1.52(d))			\$130.00	\$ 0.00	1053
Assignment Recordation Fee			\$ 40.00	\$ 0.00	8021
TOTAL FILING FEE =				\$550.00	

8. Fee Payment

- ☐ Enclosed is a check in the amount of \$_____ representing the total fee due.
- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

9. Additional papers enclosed.

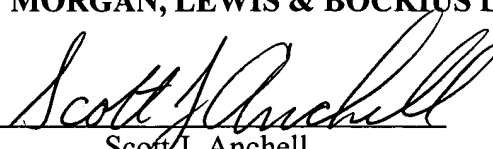
- ☐ Preliminary Amendment
- ☒ Submission of Replacement Drawings with 2 sheets of drawings
- ☐ Claim for Priority
- ☐ Certified copy(ies) of priority document(s):
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, __ references as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Other:

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: 26 August 2004

By: _____



Scott J. Anchell
Reg. No. 35,035

CUSTOMER NO. 09629

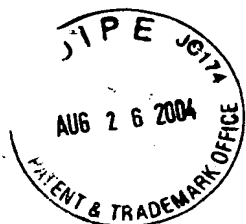
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Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001



Attorney Docket No.: 051481-5140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Andre VEINOTTE)	Confirmation No.: 4989
Application No.: 10/758,104)	Group Art Unit: 3747
Filed: 16 January 2004)	Examiner: Unassigned
For: ELASTOMERIC VAPOR FLOW)	
CONTROL ACTUATOR WITH IMPROVED)	
MECHANICAL ADVANTAGE)	

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TRANSMITTAL OF DRAWING REPLACEMENT SHEETS

Sir:

Approval is respectfully requested for the substitution of the attached 2 sheets of formal drawings, Figures 1-4. These sheets of formal drawings replace the informal drawings filed 16 January 2004.

It is respectfully submitted that these changes introduce no new matter as they conform to the specification and/or drawings as originally filed, pursuant to 37 C.F.R. § 1.81(d).

If there are any fees due in connection with the filing of these drawings, the Commissioner is hereby authorized to charge any additional fees due to Deposit Account No. 50-0310.

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

Date: 26 August 2004

By: Scott J. Anchell

Scott J. Anchell
Reg. No. 35,035

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